

DECISION RECORD

Decision: It is my decision to authorize the issuance of a ten year grazing lease to Marley Ranches Ltd. for Allotment #63072. The lease will be for 48 AUs at 1 00%FR from March 1 to the end of February. Any additional mitigation measures identified in the environmental impacts sections of the attached environmental assessment have been formulated into stipulations, terms and conditions. Any comments made to this proposed action were considered and any necessary changes have been incorporated into the environmental assessment.

The fundamentals of rangeland health are identified in 43 CFR §§4180.1 and pertain to watershed function, ecological processes, water quality and habitat for threatened and endangered species and other special status species. Based on the available data and professional judgement, the evaluation by this environmental assessment indicates that the conditions identified in the fundamentals of rangeland health exist on the allotment.

If you wish to protest this proposed decision in accordance with 43 CFR §§4160.2, you are allowed 15 days to do so in person or in writing to the authorized officer, after the receipt of this decision. In the absence of a protest, this proposed decision will become the final decision of the authorized officer without further notice, in accordance with 43 CFR 4160.3. Please be specific in your points of protest. A period of 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final, is provided for filing an appeal and petition for the stay of the decision, for the purpose of a hearing before an Administrative Law Judge (43 CFR 4.470).

The appeal shall be filed with the office of the Field Office Manager, 2909 West Second, Roswell, NM, and must state clearly and concisely your specific points.

Signed by T. R. Kreager
Assistant Field Manager

8/9/99
Date

Environmental Assessment for Grazing Authorization
Allotment #63072
EA# NM-060-99-052

Roswell Field Office
Bureau of Land Management
2909 West 2nd
Roswell, NM 88201

T7S R19E, T8S R19E, T8S R20E various sections

I. Introduction

When authorizing livestock grazing on public range, the Bureau of Land Management (BLM) has historically relied on a land use plan and environmental impact statement to comply with the National Environmental Policy Act (NEPA). A recent decision by the Interior Board of Land Appeals, however, affirmed that the BLM must conduct a site-specific NEPA analysis before issuing a permit or lease to authorize livestock grazing. This environmental assessment fulfills the NEPA requirement by providing the necessary site-specific analysis of the effects of issuing a new grazing lease on allotment #63072. There are no projects planned for this allotment at this time. Any subsequent management activities will have a site specific analysis conducted at that time.

A. Purpose and Need for the Proposed Action

The purpose of issuing a new grazing permit would be to authorize livestock grazing on public range on allotment #63072. The permit would specify the types and levels of use authorized, and the terms and conditions of the authorization pursuant to 43 CFR §§4130.3, 4130.3-1, and 4130.3-2.

B. Conformance with Land Use Planning

The Roswell Resource Management Plan/Environmental Impact Statement (October 1997) has been reviewed to determine if the proposed action conforms with the land use plan's Record of Decision as required by 43 CFR 1610.5-3. The proposed action is consistent with the RMP/EIS.

C. Relationships to Statutes, Regulations, or Other Plans

The proposed action and alternative is consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1700 et seq.); the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.), as amended; the Clean Water Act (CWA)(33 U.S.C. 1251 et seq.), as amended; the Endangered Species Act (16 U.S.C.

1535 et seq.) as amended; the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); Executive Order 11988, Floodplain Management and Executive Order 11990, Protection of Wetlands.

II. Proposed Action and Alternatives

A. Proposed Action:

The proposed action is to continue to authorize to Marley Ranches, Ltd. a grazing lease on allotment #63072 for 48 Animal Units (AUs) at 100% federal range. Grazing will be authorized from March 1 thru the last day of February of each year. The class of livestock is cattle, sheep, or their equivalent.

B. No Lease authorization alternative:

This alternative would be not to issue a new grazing lease. There would be no livestock grazing authorized on public land.

III. Affected Environment

A. General Setting

Allotment #63072 is located in Lincoln County, about 25 miles west-northwest of Roswell, New Mexico. This allotment contains 2,119 acres of Federal land.

This allotment lies outside the Roswell Grazing District Boundary established subsequent to the Taylor Grazing Act, and it is classified as a Section 15 Grazing Lease. Normally, the permitted use on a Section 15 lease is established by the amount of forage produced on the public lands. Overall livestock numbers on the allotment are not set by the Bureau of Land Management. In southeastern New Mexico, this is due primarily to either the small amount of public land found within the allotment, or the public lands are situated in small or isolated tracts that can not be managed as efficiently as larger, well blocked tracts of public lands.

This allotment is located within the Grassland vegetative community as identified within the Roswell RMP. The distinguishing feature for the grassland community is that grass species typically comprises 75% or more of the potential plant community. Short-grass, mid-grass, and tall-grass species may be found within this community. The community also includes shrub, half-shrub, and forb species. The percentages of grasses, forbs, and shrubs actually found at a particular location will vary with recent weather factors and past resource uses.

The following resources or values are not present or would not be affected: Prime/Unique Farmland, ACEC's, Native American Religious Concerns, Wild and Scenic Rivers, Hazardous/Solid Wastes, Wetlands/Riparian Zones.

Cultural inventory surveys would continue to be required for federal actions involving surface disturbing activities. The impact of the proposed action and alternatives to minority or low-income populations or communities has been considered and no significant impact is anticipated.

B. Affected Resources

1. Soils: The soils present within this allotment belong to the following general mapping units:

Pastura-Deama-Darvey: Very shallow, shallow, and very deep, well drained, nearly level to moderately sloping soils; on hills mesa sides, piedmonts, and valley sides.

Ector-Kimbrough-Rock outcrop: Very shallow and shallow, well drained, nearly level to very steep soils, and Rock outcrop; on hills.

For more information, refer to Soil Survey of Lincoln County, New Mexico.

There is a certain amount of erosion that occurs naturally in this vegetation community. High winds in the spring and high intensity thunderstorms are the primary agents of soil transportation.

2. Vegetation: This allotment is within the grassland and Pinon-Juniper vegetative communities as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Vegetative communities managed by the Roswell Field Office are identified and explained in the RMP/EIS. Appendix 11 of the draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community.

Vegetative monitoring was conducted on this allotment in 1983, 1987, and 1993. The study locations on this allotment are in Shallow Limestone CP-3 and Shallow CP-3 range site. Analysis of the monitoring data indicates range is in good condition and trend is static. There is sufficient vegetation to meet multiple use objectives. Copies of the monitoring data and the analysis of the data is available at the Roswell Field Office.

The following table summarizes monitoring data for the allotment:

Monitoring Data Summary (Grassland Community), Allotment Averages							
	Grasses	Forbs	Shrubs	Trees	Litter	Bare Ground	Rocks
Percent composition of vegetative cover	89.33	0.06	10.61	0.00	N/A	N/A	N/A
Percent Ground Cover	27.03		6.04		9.81	16.81	40.31

Monitoring Data Summary (P-J Community), Allotment Averages							
	Grasses	Forbs	Shrubs	Trees	Litter	Bare Ground	Rocks
Percent composition of vegetative cover	88.06	0.86	10.11	0.97	N/A	N/A	N/A
Percent Ground Cover	25.02		8.55		3.20	6.54	58.51

3. Wildlife: Game species occurring within the area include mule deer, mourning dove, and scaled quail. Raptors that utilize the area on a more seasonal basis include the Swainson's, red-tailed, and ferruginous hawks, American kestrel, and great-horned owl. Numerous passerine birds utilize the grassland areas due to the variety of grasses, forbs, and shrubs. The most common include the western meadowlark, mockingbird, horned lark, killdeer, loggerhead shrike, and vesper sparrow.

The warm prairie environment supports a large number of reptile species compared to higher elevations. The more common reptiles include the short-horned lizard, lesser earless lizard, eastern fence lizard, coachwhip, bullsnake, prairie rattlesnake, and western rattlesnake.

A general description of wildlife occupying or potentially utilizing the proposed action area and associated Habitat Management Areas refer to the Affected Environment Section (p. 3-62 to 3-71) of the Draft Roswell RMP/EIS (9/1984).

4. Threatened and Endangered Species: There are no known resident populations of threatened or endangered species on the allotment. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). Of the listed species, avian species such as the bald eagle and peregrine falcon may be observed in the general geographic area during migration or winter months. There are no known records of these species having occurred on the allotment. There are no designated critical habitat areas within the allotment.

5. Livestock Management: The latest license was for 48 AU's. As was stated earlier, the BLM does not normally set the total livestock numbers for a Section 15 lease. Actual numbers of livestock on the allotment will vary depending on resource and economic conditions as determined by the operator.

This allotment has 5 pastures and 3 traps. It is grazed by both cattle and sheep. Pastures get periodic deferment depending on weather and economic conditions. This allotment is run in conjunction with allotments #63049 and #63106 which are also operated by the Marley family and are located to the east of this allotment.

6. Visual Resources: The allotment is located within and IV Visual Resource Management areas. The Class IV means that contrasts may attract attention and be a dominant feature in the landscape in terms of scale. However, the changes should repeat the basic elements of the landscape.

7. Water Quality: No perennial surface water is found on federal land on this allotment. Arroyo Seco is an ephemeral draw which crosses the allotment.

8. Air Quality: Air quality in the region is generally good. The allotment is in a Class II area for the Prevention of Significant Deterioration of air quality as defined in the federal Clean Air Act. Class II areas allow a moderate amount of air quality degradation.

9. Floodplains: Arroyo Seco is an ephemeral drainage that crosses approximately 1/4 mile of federal land. It is identified as a 100-year floodplain. (Federal Emergency Management Agency. 1978. Flood insurance rate map. Lincoln County, New Mexico).

10. Recreation: Recreation opportunities are limited in this grazing allotment because the public has limited physical access to public lands. The parcels of Public lands within this allotment are scattered. Off Highway Vehicle designation for public lands within this allotment are classified as "Limited" to existing roads and trails.

11. Cave/Karst: No known significant caves or karst features are known to exist on the public lands located within this allotment. This allotment is located in an area of high cave/karst potential. There will be no further discussion of this resource.

IV. Environmental Impacts

A. Impacts of the Proposed Action

1. Soils: Livestock remove the cover of standing vegetation and litter, and compact the soil by trampling. These effects can lead to reduced infiltration rates and increased runoff. Reduced vegetative cover and increased runoff can result in higher erosion rates and soil losses, making it more difficult to produce forage and to protect the soil from further erosion. These adverse effects can be greatly reduced by maintaining an adequate vegetative cover on the soil. Soil compaction and excessive vegetative use will occur at small, localized areas such as drinking locations, along trails and at bedding areas. Positive affects from the proposed action include the speeding up of the nutrient cycling process and chipping of the soil crust by hoof action.

2. Vegetation: Vegetation will continue to be grazed and trampled by domestic livestock as well as other herbivores. The area has been grazed by livestock since the early part of the 1900's, if not longer. Ecological condition and trend is expected to remain stable and/or improve over the long term at the licensed number of livestock. Vegetation monitoring indicates that there is an adequate amount of forage for the proposed number of livestock and for wildlife.

3. Wildlife: Wildlife will continue to compete with domestic livestock for forage and browse. Cover, and other habitat requirements for wildlife will remain the same as the existing situation. With proper utilization levels there will be adequate cover and forage for wildlife species; resulting in sustainable wildlife populations for those species that occupy the area. Maintenance and availability of existing waterings will continue to prove a dependable water source for wildlife, as well as livestock.

4. Threatened/Endangered Species: Livestock grazing, as a result of issuance of the grazing permit, may affect, but not likely adversely affect the bald eagle. It is expected that habitat and range condition would be maintained or improved by authorizing grazing conducive with vegetation goals for watershed and wildlife habitat. Habitat for wintering bald eagles would not be negatively impacted by livestock grazing. There would be no effect to the peregrine falcon as important riparian habitat or potential nest sites are not found on the allotment.

5. Livestock Management: Livestock would continue to be grazed under the same management system and the same licensed numbers as they have in the past. Actual livestock numbers may vary depending on vegetative and economic conditions. No adverse impacts are anticipated.

6. Visual Resources The continued grazing of livestock would not affect the form or color of the landscape, or the primary aspect of the vegetation within the allotment.

7. Water Quality - Direct impacts to surface water quality would be minor, short-term impacts during stormflow. Indirect impacts to water-quality related resources, such as fisheries, would not occur. The proposed action would not have a significant effect on ground water. Livestock would be dispersed over the allotment, and the soil would filter potential contaminants.

8. Air Quality: Dust levels under the proposed action would be slightly higher than under the no grazing alternative due to allotment management activities. The levels would still be within the limits allowed in a Class II area for the Prevention of Significant Deterioration of air quality.

9. Floodplains: Continued livestock grazing and allotment management activities would have negligible effect on floodplain function as long as additional development in the floodplain is avoided where practical.

10. Recreation: Grazing should have little or no affect on the recreational opportunities in this allotment. Recreation activities that could occur within this grazing allotment are limited or non-existent due to land patterns and the inadequate marking of public land boundary lines.

B. Impacts of the No Livestock Grazing Alternative.

1. Soils: Soil compaction would be reduced on the allotment around old trails and drinking troughs and there would be a small reduction in soil loss on the allotment.

2. Vegetation: It is expected that the number of plant species found within the allotment will remain the same, however, there would be small changes in the relative percentages of these species. Vegetation will continue to be utilized by wildlife. There would be an increase in the amount of standing vegetation.

3. Wildlife: Wildlife would have no competition with livestock for forage and cover. There would be no maintenance of livestock waters. As these waters became inoperable, water availability could become a critical limiting factor for many wildlife species.

4. T&E Species: There would be no change in the impacts on the Bald Eagle or peregrine falcon from the existing situation.

5. Livestock management: The forage from public land would be unavailable for use by the permittee. This would have a significant adverse economic impact to the livestock operation. The checkerboard land status on the allotment makes it economically unfeasible to fence out the federal land and use only the private land. It would become uneconomical for the permittee to continue in the agricultural business.

6. Visual Resources: There would be no change in the visual resources.
7. Water Quality: There could be a slight improvement in water quality due to the minor reductions in sediment loading during stormflow.
8. Air Quality: There would be a slightly less dust under this under this alternative versus the proposed alternative, but this would be negligible when considering all sources of dust.
9. Recreation: Due to land status patterns, there would be no change from the existing situation.

V. Cumulative Impacts

Cumulative impacts of the grazing and no grazing alternatives were considered in Chapter 4 of Rangeland Reform '94 Draft Environmental Impact Statement and in Chapter 4 of the Roswell Resource Area Proposed RMP/EIS. The no livestock grazing alternative was not selected in either document.

On the allotment specific level, there will be no cumulatively significant impacts from the proposed action or from the no grazing alternative.

VI. Residual Impacts

The area has been grazed by livestock since the early part of the 1900's, if not longer. Vegetative monitoring studies have shown that grazing, at the current permitted numbers of animals, is sustainable. If the mitigation measures are enacted, then there would be no residual impacts to the proposed action.

VII. Mitigating Measures

Vegetation monitoring studies will continue to be conducted and the permitted numbers of livestock will be adjusted if necessary. If new information surfaces that livestock grazing is negatively impacting other resources, action will be taken at that time to mitigate those impacts.

FINDING OF NO SIGNIFICANT IMPACT/RATIONALE

FINDING OF NO SIGNIFICANT IMPACT: I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined the **proposed action** will not have significant impacts on the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

Rationale for Recommendations: The proposed action would not result in any undue or unnecessary environmental degradation. The **proposed action** will be in compliance with the Roswell Resource Management Plan and Record of Decision (October, 1997).

T. R. Kreager,
Date
Acting Assistant Field Office Manager - Resources